morial. It is perfectly well known that they have been established from time to time,—altered, improved, and refined from time to time. In many cases we know the names of the chancellors who invented them. No doubt they were invented for the purpose of securing the better administration of justice, but still they were invented. Take such things as these: the separate use of a married woman, the restraint on alienation, the modern rule against perpetuities, and the rules of equitable waste. We can name the chancellors who first invented them, and state the date when they were first introduced into Equity Jurisprudence; and therefore in cases of this kind the older precedents in equity are of very little value. The doctrines are progressive, refined, and improved; and if we want to know what the rules of equity are, we must look of course rather to the more modern than the more ancient cases."

If, however, we assume that a new edition was desirable, there remains the question of the skill with which the editorial work has been done. There was an opportunity by means of the added paragraphs and footnotes to indicate in this new edition at least the chief points of development which have taken place and the general trend of the more modern authorities. This opportunity has not been grasped. This treatment in the added paragraphs and in the footnotes impresses one as both incomplete and unscientific. The demonstration of this statement would require more space than is at command, and it must therefore be left for each reader to satisfy himself of its truth.

Upon the mechanical side, the new edition is on the whole an excellent piece of work. There are now three volumes instead of two, and the paragraphs have been re-numbered. It is regrettable that the old paragraph numbers are not also given, at least in a table, so that one who has a reference to the older editions may find in the new the passage referred to. The addition of a statement on the back of each volume of the sections included within it would add something to the convenience of users of the work.

WALTER WHEELER COOK

Spirit of the Courts. By Thomas W. Shelton. Baltimore, John Murphy Co. 1918. pp. xxx, 264. $1.50.

No matter how good a law, in the abstract, its force in life is limited strictly by the means of its enforcement; and the means of enforcement of the law in the United States to-day are in a precarious tangle. Some half of the points reviewed in our appellate courts are pure points of practice; and this equally under the code and the modified common-law procedure. Indeed, under a code, a lawyer is bound by his oath to enforce the provisions of the code; it is part of his duty as an officer of the court to stickle, to delay, to appeal on nothings, and generally hamper the getting of things done. It is legitimate and desirable for the legislature to regulate the substantive law, to say *what* the courts shall do; but legislators have neither the time nor the intimate experience, neither the freedom from political pressure nor the pride in cleancut professional workmanship, to regulate to anybody's satisfaction the detailed *how* of the administration of the courts. That should be left to the courts themselves, aided by the bar. "Let Congress set the Supreme Court free." Let all details of procedure be dealt with by rules of court. Not only will this make justice speedier—and slow justice is too often equivalent to none—but, once the Supreme Court has shown the way and proved the workability of the new system, it is a fair hope that the individual states will follow; and thus that the long-desired uniformity of civil procedure may be attained. The movement is already on foot; a bill is already before Congress; every man's interest is to help it on.

Such is Mr. Shelton's thesis. His book does not purport to be written for scholars; it is therefore no fair criticism to say that the scientific justification of his thesis is to be found in small part in its pages, but must be sought in past experience and study of the author with which he thought it better not to cumber the book. But his book does purport to be written for the general public. The language is vigorous; the style picturesque. "Federal Practice," says Mr. Shelton. "To the average lawyer it is Sanskrit; to the experienced Federal practitioner it is a monopoly. To the author it is a golden harvest." If there are occasional figures distinctly less happy, they are the exceptions, and can best go unquoted. One can well imagine General Public, tired business man though he may be, thinking in his innocence as he takes up the book, that he is about to be at once instructed and entertained. The reviewer may be pardoned for suggesting that it seems to him little less than brutal to turn on such a man, all unsuspecting, and smite him between the eyes with such asseverations as that under the old common law pleading *allegata* and *probata* had strictly to agree.

On the whole, we feel that the book has failed in its purpose, so far as it is intended for the layman; that it is too casual in its treatment to be of great service to an inquiring scholar; but that it will make fairly interesting, and perhaps stimulating leisure reading for the profession at large.

K. N. L.